

1 following the close of the taxable year, along with any ~~addition to the tax~~
2 interest due, shall accrue delinquent interest under s. 71.13 (1) (a).

3 (8) (intro.) No ~~addition to tax~~ interest is required under sub. (7) for a
4 corporation if any of the following conditions apply:

5 ••87-5428/1••SECTION 264. 71.22 (8) (b) of the statutes, as affected by
6 1987 Wisconsin Act 27, is amended to read:

7 71.22 (8) (b) The preceding taxable year was 12 months ~~and~~ the corpora-
8 tion had no liability under s. 71.01 for that year and the corporation has a
9 Wisconsin net income of less than \$250,000 for the current taxable year.

10 ••87-5340/2••SECTION 265. 71.23 of the statutes, as affected by 1987
11 Wisconsin Act 27, is amended to read:

12 71.23 PENALTIES NOT DEDUCTIBLE. No penalty imposed by this chapter,
13 including penalties imposed under s. 71.20 or 71.21 ~~(19) (d)~~, or by subch. III
14 of ch. 77 ~~or amounts added to the tax under s. 71.21 or 71.22~~ may be deducted
15 from gross income in arriving at net income taxable under this chapter.

16 ••87b3715/2 •• 87b3730/2••SECTION 265g. 71.53 (2) of the statutes, as
17 created by 1987 Wisconsin Act 27, is amended to read:

18 71.53 (2) Subject to the limitations under this section, a claimant may
19 claim as a credit against, but not to exceed the amount of taxes under s.
20 71.01 (1), ~~6-9%~~ 10% of the first \$2,000 of property taxes or rent constituting
21 property taxes, or ~~6-9%~~ 10% of the first \$1,000 of property taxes or rent
22 constituting property taxes of a married person filing separately.

23 ••87b2518/2••SECTION 265m. 71.60 (4) of the statutes, as affected by 1987
24 Wisconsin Act 27, is amended to read:

25 71.60 (4) TAX BENEFIT RULE. The department of revenue shall promulgate
26 rules to provide that the amount under sub. (1) (a) ~~3~~ 1 may be reduced to
27 prevent the inclusion of any amounts, except the federal standard deductions,

1 itemized deductions and personal exemptions, that do not reflect a benefit in
2 respect to the tax imposed under s. 71.01 (1).

3 ••87b3491/2••SECTION 266m. 71.65 (1) (fr) of the statutes is created to
4 read:

5 71.65 (1) (fr) Historic rehabilitation credit under s. 71.09 (12q).

6 ••87-5185/2••SECTION 267. 71.65 (2) (f) of the statutes is amended to
7 read:

8 71.65 (2) (f) Community development finance ~~authority~~ credit under s.
9 71.09 (12m).

10 ••87b3491/2••SECTION 267m. 71.65 (2) (fh) of the statutes is created to
11 read:

12 71.65 (2) (fh) Historic rehabilitation credit under s. 71.09 (12q).

13 ••87b2707/1••SECTION 268g. 72.01 (17) of the statutes, as affected by
14 1987 Wisconsin Act 27, is amended to read:

15 72.01 (17) "Power of appointment" means any general power to appoint, as
16 defined by section 2041 (relating to estate taxes) or 2514 (relating to gift
17 taxes) of the internal revenue code, as amended to December 31, 1986, ~~as it~~
18 ~~applies to taxable year 1987 and subsequent years 1987~~. Amendments to the
19 internal revenue code enacted after December 31, 1986 1987, do not apply to
20 this subsection with respect to taxable year ~~1987~~ 1988 and thereafter.

21 ••87b2707/1••SECTION 268m. 72.12 (4) (c) 1 of the statutes, as affected
22 by 1987 Wisconsin Act 27, section 1496m, is amended to read:

23 72.12 (4) (c) 1. Benefits paid to a beneficiary under an employe benefit
24 plan are taxable under this subchapter except to the extent that the propor-
25 tionate share resulting from the employer's contribution would be excludable
26 from the gross estate of the decedent under section 2039 of the internal
27 revenue code as amended to December 31, 1986, ~~as it applies to taxable year~~
28 ~~1987 and subsequent years 1987~~. Amendments to the internal revenue code

1 enacted after December 31, ~~1986~~ 1987, do not apply to this subdivision with
2 respect to taxable year ~~1987~~ 1988 and thereafter. This subsection applies
3 whether or not there is a requirement for filing a federal estate tax return.

4 ••87b2707/1••SECTION 268r. 72.22 (4) (a) of the statutes, as affected by
5 1987 Wisconsin Act 27, section 1508m, is amended to read:

6 72.22 (4) (a) Whether or not there is a federal estate tax liability, in
7 lieu of full payment, payment may be made according to an equal payment
8 schedule over a period not to exceed 15 years from the decedent's date of
9 death, if the estate would be authorized to pay federal estate taxes under
10 section 6166 of the internal revenue code as amended to December 31, ~~1986~~, ~~as~~
11 ~~it applies to taxable year 1987 and subsequent years 1987~~. Amendments to the
12 internal revenue code enacted after December 31, ~~1986~~ 1987, do not apply to
13 this paragraph with respect to taxable year ~~1987~~ 1988 and thereafter. If an
14 election is made under this subsection, the election shall apply only to the
15 portion of the tax payable by a distributee which is determined by dividing
16 the value of property received by a distributee which qualifies an estate for
17 the election under the internal revenue code by the value of all property
18 received by the distributee. A distributee electing to pay under this sub-
19 section may subsequently pay part or all of the remaining tax plus interest at
20 the time any scheduled payment is due under this subsection. Interest on
21 instalment payments under this subsection shall be computed under s. 72.23 at
22 12% per year.

23 ••87-5327/2••SECTION 269. 73.01 (4) (a) of the statutes is amended to
24 read:

25 73.01 (4) (a) Subject to the provisions for judicial review contained in
26 s. 73.015, the commission shall be the final authority for the hearing and
27 determination of all questions of law and fact arising under sub. (5) and ss.
28 70.11 (21), 70.38 (4) (a), 70.64, 70.995 (8), 71.12, 72.86 (4), 76.38 (12)

1 (a), 76.39 (4) (c), 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.22, 139.03 (4),
2 139.315 and 139.78. Whenever with respect to a pending appeal there is filed
3 with the commission a stipulation signed by the department of revenue and the
4 adverse party, under s. 73.03 (25), agreeing to an affirmance, modification or
5 reversal of the department's position with respect to some or all of the
6 issues raised in the appeal, the commission shall enter an order affirming or
7 modifying in whole or in part, or canceling the assessment appealed from, or
8 allowing in whole or in part or denying the petitioner's refund claim, as the
9 case may be, pursuant to and in accordance with the stipulation filed. No
10 responsibility shall devolve upon the commission, respecting the signing of an
11 order of dismissal as to any pending appeal settled by the department without
12 the approval of the commission.

13 ••87-5327/2••SECTION 269m. 73.01 (4) (a) of the statutes, as affected by
14 1987 Wisconsin Act 27, is amended to read:

15 73.01 (4) (a) Subject to the provisions for judicial review contained in
16 s. 73.015, the commission shall be the final authority for the hearing and
17 determination of all questions of law and fact arising under sub. (5) and ss.
18 70.11 (21), 70.38 (4) (a), 70.64, 70.995 (8), 71.12, 72.86 (4), 1985 stats.,
19 76.38 (12) (a), 76.39 (4) (c), 76.48 (6), 77.26 (3), 77.59 (6) (b), 78.22,
20 139.03 (4), 139.315 and 139.78. Whenever with respect to a pending appeal
21 there is filed with the commission a stipulation signed by the department of
22 revenue and the adverse party, under s. 73.03 (25), agreeing to an affirmance,
23 modification or reversal of the department's position with respect to some or
24 all of the issues raised in the appeal, the commission shall enter an order
25 affirming or modifying in whole or in part, or canceling the assessment
26 appealed from, or allowing in whole or in part or denying the petitioner's
27 refund claim, as the case may be, pursuant to and in accordance with the
28 stipulation filed. No responsibility shall devolve upon the commission,

1 respecting the signing of an order of dismissal as to any pending appeal
2 settled by the department without the approval of the commission.

3 ••87-5327/2••SECTION 270. 73.01 (5) (a) of the statutes is amended to
4 read:

5 73.01 (5) (a) Any person who is aggrieved by a determination of the state
6 board of assessors under s. 70.995 (8) or by the department of revenue under
7 s. 70.11 (21) or who has filed a petition for redetermination with the
8 department of revenue and who is aggrieved by the redetermination of the
9 department may, within 60 days of the determination of the state board of
10 assessors or of the department or, in all other cases, within 60 days after
11 the redetermination but not thereafter, file with the clerk of the commission
12 a petition for review of the action of the department and the number of copies
13 of the petition required by rule adopted by the commission. If a municipality
14 appeals, its appeal shall set forth that the appeal has been authorized by an
15 order or resolution of its governing body and the appeal shall be verified by
16 a member of that governing body as pleadings in courts of record are verified.
17 The clerk of the commission shall transmit one copy to the department of
18 revenue and to each party. In the case of appeals from manufacturing property
19 assessments, the person assessed shall be a party to a proceeding initiated by
20 a municipality. At the time of filing the petition, the petitioner shall pay
21 to the commission a \$5 filing fee, which the commission shall deposit in the
22 general fund. Within 30 days after such transmission the department, except
23 for petitions objecting to manufacturing property assessments, shall file with
24 the clerk of the commission an original and the number of copies of an answer
25 to the petition required by rule adopted by the commission and shall serve one
26 copy on the petitioner or the petitioner's attorney or agent. Within 30 days
27 after service of the answer, the petitioner may file and serve a reply in the
28 same manner as the petition is filed. Any person entitled to be heard by the

1 commission under s. 76.38 (12) (a), 76.39 (4) (c) or 76.48 may file a petition
2 with the commission within the time and in the manner provided for the filing
3 of petitions in income tax cases. Such papers may be served as a circuit
4 court summons is served or by certified mail. For the purposes of this
5 subsection, a petition for review is considered timely filed if mailed by
6 certified mail in a properly addressed envelope, with postage duly prepaid,
7 which envelope is postmarked before midnight of the last day for filing.

8 ••87-5326/2••SECTION 271. 73.015 (1) of the statutes is amended to read:

9 73.015 (1) This section shall provide the sole and exclusive remedy for
10 review of any decision or order of the tax appeals commission and no person
11 may contest, in any action or proceeding, any matter reviewable by the
12 commission unless such person has first availed himself or herself of a hear-
13 ing before the commission under s. 73.01 or has cross-appealed under s. 70.995
14 (8) (a).

15 ••87b3371/1••SECTION 271g. 73.03 (20) of the statutes is amended to read:

16 73.03 (20) To investigate all delinquent personal property, and income
17 taxes and surtaxes in the ~~several counties of the state~~ and the possibility of
18 the collection ~~thereof~~ of them and to require taxing officials, including town
19 treasurers, county treasurers, sheriffs and district attorneys ~~of their~~
20 ~~respective counties,~~ to institute proceedings, actions and prosecutions for
21 the collection of ~~such delinquent taxes to the end~~ so that the amount of ~~such~~
22 delinquent taxes shall be reduced to the minimum. In carrying out ~~the provi-~~
23 ~~sions of this subsection~~ the department of revenue ~~is empowered to~~ may examine
24 or cause to be examined by any agent, employe or representative designated by
25 it for that purpose, any books, papers, records or memoranda of any
26 corporation, copartnership or individual, bearing upon ~~the matter of the~~
27 collection of any ~~such delinquent taxes,~~ and may require the attendance of the
28 officials of any corporation, or of any other person having knowledge in the

1 premises, and may take testimony and require proof material for their
2 information upon any matter that they may deem of value for the purpose of
3 enforcing the payment of such delinquent taxes. Said The department of
4 revenue ~~is further empowered to do and~~ may also perform such other duties and
5 adopt such other ~~procedure as~~ procedures that may be necessary to carry out
6 ~~the provisions of~~ this subsection, and ~~to~~ direct that proceedings, actions and
7 prosecutions be instituted to enforce the laws relating to the collection of
8 such delinquent taxes of every kind ~~and nature, to.~~ To this end, the depart-
9 ment of justice shall, upon the request of the department of revenue, conduct
10 such actions, proceedings, or prosecutions, or assist the local town, city,
11 village or county officials ~~therein in them or assist the district attorneys.~~

12 ••87b3371/1••SECTION 271gg. 73.03 (20) of the statutes, as affected by
13 1987 Wisconsin Acts 27 and (this act), is repealed and recreated to read:

14 73.03 (20) To investigate all delinquent personal property, death and
15 income taxes and surtaxes in the state and the possibility of the collection
16 of them and to require taxing officials, including town treasurers, county
17 treasurers, sheriffs and district attorneys, to institute proceedings, actions
18 and prosecutions for the collection of delinquent taxes so that the amount of
19 delinquent taxes shall be reduced to the minimum. In carrying out this sub-
20 section the department of revenue may examine or cause to be examined by any
21 agent, employe or representative designated by it for that purpose, any books,
22 papers, records or memoranda of any corporation, copartnership or individual
23 bearing upon the collection of any delinquent taxes and may require the
24 attendance of the officials of any corporation or of any other person having
25 knowledge in the premises and may take testimony and require proof material
26 for their information upon any matter that they deem of value for the purpose
27 of enforcing the payment of delinquent taxes. The department of revenue may
28 also perform other duties and adopt other procedures that may be necessary to

1 carry out this subsection and direct that proceedings, actions and prose-
2 cutions be instituted to enforce the laws relating to the collection of
3 delinquent taxes of every kind. To this end, the department of justice shall,
4 upon the request of the department of revenue, conduct such actions, proceed-
5 ings or prosecutions or assist the local town, city, village or county offi-
6 cials in them or assist the district attorneys.

7 ••87b3346/1••SECTION 272m. 73.03 (38) of the statutes is created to read:

8 73.03 (38) To require each operator of a swap meet, flea market, craft
9 fair or similar event, as defined by rule, to report to the department the
10 name, address, social security number and, if available, the seller's permit
11 number of each vendor selling merchandise at the swap meet, flea market, craft
12 fair or similar event that he or she operates.

13 ••87-5339/3••SECTION 273. 73.035 of the statutes is created to read:

14 73.035 PRIVATE LETTER RULINGS. (1) In this section, "department" means
15 the department of revenue.

16 (2) Upon receipt of a request, in the form prescribed by the department,
17 from a person who requests a ruling about facts relating to a tax that the
18 department administers, the department may issue a private letter ruling.
19 Rulings under this section:

20 (a) May be published if the department decides to do so.

21 (b) May be edited by the requester as to types of information specified
22 by the department, if that editing is submitted to the department before the
23 deadline that the department establishes and if the department approves the
24 editing.

25 (c) Do not bind the requester.

26 (d) May not be appealed.

27 (e) Do not preclude application for a declaratory ruling under s. 227.41.

1 (3) Any person who receives a ruling under this section shall attach a
2 copy of it to all of that person's tax returns to which it is relevant.

3 (4) Rulings under this section and all information related to them are
4 subject to the confidentiality provisions for the tax relevant to the request,
5 except that if a ruling has been edited under sub. (2) (b), or the deadline
6 for editing set by the department has expired, and if the ruling has been
7 published by the department, the published rulings are not subject to those
8 confidentiality provisions.

9 (5) The department's decision not to issue, or not to publish, a ruling
10 under this section may not be appealed.

11 ••87-5328/1••SECTION 274. 73.06 (5) of the statutes is amended to read:

12 73.06 (5) The department of revenue through its supervisor of equaliza-
13 tion shall make a report to the county board of each county showing in detail
14 the work of local assessors in their several districts, the failure, if any,
15 of such assessors to comply with the law, the relative assessed and full value
16 of property in each taxation district, and all such information and statistics
17 as that may be obtained ~~which will be of assistance to the county board in~~
18 ~~determining the relative value of all taxable property in each taxation dis-~~
19 ~~trict in the county.~~ Such report shall be filed with the county clerk at
20 least 15 days before the annual meeting of the county board. ~~The county clerk~~
21 ~~shall cause to be printed not less than 200 copies of such report, one of~~
22 ~~which shall be delivered immediately by the county clerk to each member of the~~
23 ~~county board and a sufficient number of copies not to exceed 5 to each~~
24 ~~municipality requesting the same by resolution of the governing body for the~~
25 ~~use of the officials of the municipality. Not less than 6 copies of such~~
26 ~~printed report, together with all statistics accompanying the same, shall be~~
27 ~~filed with the department of revenue.~~

1 ••87-5320/2 •• 87b2947/1••SECTION 276id. 73.08 (1) of the statutes is
2 repealed.

3 ••87-5320/2 •• 87b2947/1••SECTION 276ig. 73.08 (2) of the statutes is
4 amended to read:

5 73.08 (2) All costs of the department of revenue in connection with the
6 review of assessment practices under ~~this section s. 73.08 (1), 1985 stats.,~~
7 shall be borne by the taxation district. These receipts shall be credited to
8 the appropriation under s. 20.566 (2) (h). Past due accounts shall be certi-
9 fied on or before the 4th Monday of August of each year and included in the
10 next apportionment of state special charges to local units of government.

11 ••87-5320/2 •• 87b2947/1••SECTION 276ij. 73.08 (2) of the statutes, as
12 affected by 1987 Wisconsin Act (this act), is repealed.

13 ••87b3661/2••SECTION 276m. 73.08 (3) of the statutes is created to read:

14 73.08 (3) From the amounts provided under s. 20.566 (2) (c), beginning in
15 1993, the department of revenue shall implement an educational program for
16 local assessment staff members in taxation districts that do not meet the
17 requirements of s. 70.05 (5) (f).

18 ••87-5351/1••SECTION 279. 73.10 (2) (b) of the statutes is amended to
19 read:

20 73.10 (2) (b) The department may require by rule that the information it
21 needs under par. (a) be submitted as annual financial statements, notes to the
22 financial statements and supporting schedules, that the statements, notes and
23 schedules conform to generally accepted accounting principles promulgated by
24 the ~~national council on governmental accounting~~ governmental accounting stan-
25 dards board or its successor bodies and that the statements, notes and sched-
26 ules be audited in accordance with generally accepted auditing standards.
27 Notwithstanding s. 227.01 (13) (j), a rule under this paragraph is subject to
28 the requirements of ch. 227.

1 ••87-5332/1••SECTION 280. 74.135 (3) of the statutes is amended to read:
2 74.135 (3) When the property is exempt by law, except under s. 70.11
3 (27), from taxation.

4 ••87-5325/1••SECTION 281. 76.07 (3) of the statutes is amended to read:
5 76.07 (3) (title) ASSESSMENT. For the purpose of determining the full
6 market value of the property of each company, appearing on the assessment
7 roll, the department may, ~~if deemed necessary,~~ view and inspect the property
8 of such company and shall consider the reports filed in compliance with s.
9 76.04 and the reports and returns of the company filed in the office of any
10 officer of this state, and ~~such other evidence or information as may have been~~
11 ~~taken or obtained~~ bearing upon the full market value of the property of the
12 company assessed. In case of companies which own or ~~operate lines or roads~~
13 use property lying partly within and partly without the state, the said
14 department shall ~~only~~ value and assess only the property within this state.
15 ~~In determining the value of the portion within the state the department may~~
16 ~~take into consideration the value of the entire system, the mileage of the~~
17 ~~whole system and of the part within this state, together with such other~~
18 ~~information, facts and circumstances as will enable it to make a substantially~~
19 ~~just and correct determination, using the methods under sub. (4g).~~ When the
20 full market value of the property of a company within this state shall have
21 has been ~~ascertained and determined,~~ the amount thereof shall be entered upon
22 the assessment roll opposite the name of the company and shall be, ~~and~~
23 ~~constitute,~~ the assessment of the entire property of such company within this
24 state for the levy of taxes thereon, subject to review and correction, ~~as~~
25 ~~hereinafter provided.~~ The department shall thereupon give notice by regis-
26 tered mail to each company assessed of the amount of its assessment as entered
27 upon such roll.

28 ••87-5325/1••SECTION 282. 76.07 (4g) of the statutes is created to read:

1 76.07 (4g) DETERMINING THE PROPERTY IN THIS STATE. The department shall
2 determine the property in this state of railroad companies, air carrier
3 companies and pipeline companies in the following manner:

4 (a) Railroad companies. For railroad companies:

5 1. Determine the ton miles of revenue freight handled in this state.

6 2. Divide the amount under subd. 1 by the ton miles of revenue freight
7 handled everywhere.

8 3. Divide the fraction under subd. 2 by 3.

9 4. Determine the number of cars originated, terminated, received at
10 connections, delivered at connections or otherwise handled in this state.

11 5. Divide the amount under subd. 4 by the number of cars originated,
12 terminated, received at connections, delivered at connections or otherwise
13 handled everywhere.

14 6. Divide the fraction under subd. 5 by 6.

15 7. Determine the tons of revenue freight on line, both originated and
16 terminated, and at connections, both received and delivered, in this state.

17 8. Divide the amount under subd. 7 by the tons of revenue freight on
18 line, both originated and terminated, and at connections, both received and
19 delivered, everywhere.

20 9. Divide the fraction under subd. 8 by 6.

21 10. Determine the depreciated cost of road property in this state.

22 11. Determine the depreciated cost of migratory road property.

23 12. Multiply the amount under subd. 11 by a fraction the numerator of
24 which is the unit miles in this state and the denominator of which is the unit
25 miles everywhere.

26 13. Divide the sum of the amounts under subds. 10 and 12 by the depreci-
27 ated cost of road property everywhere.

28 14. Divide the fraction under subd. 13 by 3.

1 15. Add the fractions under subds. 3, 6, 9 and 14.

2 16. Multiply the fraction under subd. 15 by the full market value of the
3 company's property everywhere.

4 (b) Air carrier companies. For air carrier companies:

5 1. Determine the depreciated original cost of the real and tangible per-
6 sonal property owned or rented by the company in this state and used in the
7 operation of the company's business.

8 2. Determine the depreciated original cost of the company's migratory
9 tangible personal property used in the operation of the company's business.

10 3. Multiply the amount under subd. 2 by a fraction the numerator of which
11 is the total of flight and ground hours in this state and the denominator of
12 which is the flight and ground hours everywhere.

13 4. Add the amounts under subds. 1 and 3.

14 5. Divide the amount under subd. 4 by the depreciated original cost of
15 the real and tangible personal property owned or rented by the company every-
16 where and used in the operation of the company's business.

17 6. Divide the fraction under subd. 5 by 2.

18 7. Determine transport revenue by adding revenue received for transport-
19 ing passengers and property on flights either originating at, or connecting
20 at, airports in this state.

21 8. Determine transport-related revenue by adding public service revenue
22 allocated to this state on the basis of routes for which the company is
23 authorized to receive subsidy payments, mutual aid allocated to this state on
24 the basis of the ratio of transport revenues allocated to this state to
25 transport revenues everywhere in the previous year, in-flight sales allocated
26 to this state as they are allocated under s. 77.51 (14r) and all other
27 transport-related revenues from sales made in this state.

1 9. Divide the sum of the amounts under subds. 7 and 8 by the transport
2 and transport-related revenues everywhere.

3 10. Divide the fraction under subd. 9 by 4.

4 11. Determine the tons of revenue passengers and revenue cargo first
5 received either as originating traffic or as connecting traffic in this state
6 or finally discharged by the company in this state.

7 12. Determine the tons of revenue passengers and revenue cargo received
8 or finally discharged at airports everywhere.

9 13. Divide the amount under subd. 11 by the amount under subd. 12.

10 14. Divide the fraction under subd. 13 by 4.

11 15. Add the fractions under subds. 6, 10 and 14.

12 16. Multiply the fraction under subd. 15 by the full market value of the
13 company's property everywhere.

14 (c) Natural gas pipelines. For natural gas pipelines, except liquefied
15 gas pipelines:

16 1. Determine the gross cost of gas plant in service in this state, except
17 motor vehicles exempt from the property tax under s. 70.112 (5), and of all
18 other property in this state included in the base for purposes of rate regu-
19 lation by the federal energy regulatory commission.

20 2. Determine the gross cost of gas plant in service everywhere, except
21 motor vehicles specified under s. 70.112 (5), and of all other property
22 everywhere included in the base for purposes of rate regulation by the federal
23 energy regulatory commission.

24 3. Divide the amount under subd. 1 by the amount under subd. 2.

25 4. Multiply the fraction under subd. 3 by the full market value of the
26 company's property everywhere.

27 (d) Other pipeline companies. For pipeline companies except those under
28 par. (c):

- 1 1. Determine the gross cost of line of pipe in this state.
- 2 2. Determine the gross cost of line of pipe everywhere.
- 3 3. Divide the amount under subd. 1 by the amount under subd. 2.
- 4 4. Multiply the fraction under subd. 3 by 3.
- 5 5. Divide the fraction under subd. 4 by 4.
- 6 6. Determine the barrel miles transported in this state.
- 7 7. Determine the barrel miles transported everywhere.
- 8 8. Divide the amount under subd. 6 by the amount under subd. 7.
- 9 9. Divide the fraction under subd. 8 by 5.
- 10 10. Determine the number of barrels received and delivered in this state.
- 11 11. Determine the number of barrels received and delivered everywhere.
- 12 12. Divide the amount under subd. 10 by the amount under subd. 11.
- 13 13. Divide the fraction under subd. 12 by 20.
- 14 14. Determine the gross cost of line of pipe everywhere.
- 15 15. Determine the gross cost of all property everywhere.
- 16 16. Divide the amount under subd. 14 by the amount under subd. 15.
- 17 17. Add the fractions under subsd. 5, 9 and 13 and multiply that result
- 18 by the fraction under subd. 16.
- 19 18. Determine the gross cost of property other than pipe in this state.
- 20 19. Determine the gross cost of all property everywhere.
- 21 20. Divide the amount under subd. 18 by the amount under subd. 19.
- 22 21. Add the fraction under subd. 17 to the fraction under subd. 20.
- 23 22. Multiply the fraction under subd. 21 by the full market value of the
- 24 company's property everywhere.
- 25 ••87-5336/1••SECTION 286.. 76.12 of the statutes is repealed.
- 26 ••87-5336/1••SECTION 287. 76.125 (1) of the statutes is amended to read:
- 27 76.125 (1) Using the statement of assessments under s. 70.53 and the
- 28 statement of taxes under s. 69.61, the department shall determine the net rate

1 of taxation of commercial property under s. 70.32 (2) (a) 2 and (b) 2, of
2 manufacturing property under s. 70.32 (2) (a) 3 and (b) 3 and of personal
3 property under s. 70.30 as provided in subs. (2) to (6). The department shall
4 enter that rate on the records of the department.

5 ••87-5336/1••SECTION 288. 76.126 of the statutes is created to read:

6 76.126 AVERAGE NET RATE OF TAXATION. The department shall compute the
7 average net rate of taxation by subtracting the aggregate state property tax
8 credits paid under s. 79.10 from the aggregate tax determined under s. 76.11
9 and dividing that result by the state assessment of the general property of
10 the state upon which those taxes were levied. The department shall enter that
11 rate upon the department's records.

12 ••87-5336/1••SECTION 289. 76.13 (1) of the statutes is amended to read:

13 76.13 (1) The department shall compute and levy a tax upon the property
14 of each company defined in s. 76.02, as assessed in the manner specified in
15 ss. 76.07 and 76.08, at the average net rate of taxation determined under s.
16 ~~76.125 for companies under s. 76.02 (2) and (5a) and under s. 76.12 for all~~
17 ~~other companies under s. 76.02 in 1985 to 1987 and under s. 76.125 in 1988 and~~
18 ~~thereafter, and the 76.126.~~ The amount of tax to be paid by each such company
19 shall be extended upon a tax roll opposite the description of the property of
20 the respective companies. The tax rolls for all companies required to be
21 assessed on or before August 1 in each year under s. 76.07 (1) shall be com-
22 pleted on or before August 10, and for all companies required to be assessed
23 on or before September 15 in each year under s. 76.07 (1) shall be completed
24 on or before October 1; and the department shall thereupon attach to each such
25 roll a certificate signed by the secretary of revenue, which shall be as
26 follows:

27 "I do hereby certify that the foregoing tax roll includes the property of
28 all railroad companies, sleeping car companies, air carrier companies,

1 conservation and regulation companies, or pipeline companies, as the case may
2 be, defined in s. 76.02, liable to taxation in this state; that the valuation
3 of the property of each company as set down in said tax roll is the full
4 market value thereof as assessed by the department of revenue, except as
5 changed by court judgment, and that the taxes thereon charged in said tax roll
6 have been assessed and levied at the average net rate of taxation in this
7 state, as required by law".

8 ••87b3351/1••SECTION 289r. 76.38 (1) (b) of the statutes, as affected by
9 1987 Wisconsin Act 27, section 1564cm, is amended to read:

10 76.38 (1) (b) "Gross revenues" includes all revenue derived from local
11 and rural exchange service, all toll business gross revenue, and all other
12 operating revenues from telecommunications business. It does not include
13 excise taxes on telephone service or facilities nor uncollectible telecom-
14 munications revenues actually written off during the year. "Gross revenues"
15 includes recoveries within the year of all telecommunications revenues written
16 off in prior years as uncollectible. For a telephone company operating on any
17 form of mutual basis, "gross revenues" includes all amounts assessed against
18 the members for the operation and maintenance of the business. "Gross
19 revenues" also includes access revenues and revenues from directory
20 advertising. For qualifying telecommunications resellers, "gross revenues"
21 does not include the allocable share of approved reselling services sold to
22 the public. "Gross revenues" does not include any revenues collected from
23 service users under s. 146.70 (3). For fees assessed on May 1, 1989, and
24 thereafter, telecommunications companies may deduct 100% of access expenses
25 that arise from services or facilities that permit origination or termination
26 of telecommunications from a point or points in this state to a point or
27 points in the same local access and transport area incurred during the pre-

1 vious year and 14.5% of the all other access expenses incurred during the
2 previous year.

3 ••87b3351/1••SECTION 289rm. 76.38 (1) (bd) of the statutes is created to
4 read:

5 76.38 (1) (bd) "Local access and transport area" means a geographic area
6 that encompasses one telephone exchange or 2 or more contiguous telephone ex-
7 changes that serve common social, economic and other purposes and that are
8 established pursuant to the modification of final judgment in United States v.
9 Western Electric Company, civil action no. 82-0192 in the U.S. district court
10 for the District of Columbia and approved by that court as an exchange area
11 within the meaning of section IV. G. of that modification of final judgment.

12 ••87-5350/1••SECTION 290. 76.38 (12) (a) of the statutes, as affected by
13 1987 Wisconsin Act 27, is amended to read:

14 76.38 (12) (a) If after filing the reports specified in sub. (2) and
15 after the department's computation and assessment of license fees under sub.
16 (3) it is subsequently determined that the amount of gross revenues reported
17 is in error, the department shall compute the additional license fee to be
18 paid or the amount of the overpayment of license fee to be refunded, as the
19 case may be. If an additional license fee is due, the department shall give
20 notice to the telephone company against whom the license fee is to be levied.
21 All such additional assessments and claims for refunds for excess license fees
22 paid are subject to the same procedure for review and final determination as
23 additional income tax assessments and claims for refunds under ch. 71 as far
24 as the same may be applicable, except that appeals of denials of claims for
25 refunds shall be made directly to the tax appeals commission and except that
26 the additional license fees shall become delinquent 60 days after notice pro-
27 vided in this subsection or, if review proceedings are held, 60 days following
28 final determination of the review proceedings. All additional license fees

1 shall bear interest at the rate of 12% per year from the time they should have
2 been paid to the date on which the additional fees shall become delinquent if
3 unpaid.

4 ••87-5350/1••SECTION 291. 76.39 (4) (c) of the statutes is amended to
5 read:

6 76.39 (4) (c) All additional assessments and claims for refund shall be
7 subject to the same procedure for review and final determination as is pro-
8 vided with respect to additional assessments and refunds of income taxes in
9 chs. 71 and 73, except that appeals of denials of claims for refunds shall be
10 made directly to the tax appeals commission and except as the same may
11 conflict with this section. Delinquent taxes shall be subject to interest at
12 the rate of 1.5% per month until paid.

13 ••87-5350/1••SECTION 292. 76.48 (6) of the statutes is amended to read:

14 76.48 (6) All additional assessments and claims for refund shall be
15 subject to the same procedure for review and final determination as is pro-
16 vided with respect to additional assessments and refunds of income taxes under
17 chs. 71 and 73, except that appeals of denials of claims for refunds shall be
18 made directly to the tax appeals commission and except as such procedure con-
19 flicts with this section.

20 ••87-5333/1••SECTION 293. 77.10 (2) (a) of the statutes is amended to
21 read:

22 77.10 (2) (a) 1. Any owner of forest croplands may elect to withdraw all
23 or any of such lands from under this subchapter, by filing with the department
24 of natural resources a declaration withdrawing from this subchapter any
25 description owned by such person which he or she specified, and by payment by
26 such owner to the department of natural resources within 60 days the amount of
27 tax due from the date of entry or the most recent date of renewal, whichever
28 is later, as determined by the department of revenue under s. 77.04 (1) with

1 simple interest thereon at 12% per year, less any severance tax and supple-
2 mental severance tax or acreage share paid thereon, with interest computed
3 according to the rule of partial payments at the rate of 12% per year.

4 2. The ~~exact~~ amount of the tax shall be determined by the department of
5 revenue ~~after hearing and upon due notice of all parties interested, but when~~
6 and furnished to the department of natural resources, which shall determine
7 the exact amount of payment. When the tax rate or assessed value ratio of the
8 current year has not been determined the rate of the preceding tax year may be
9 used. On receiving such payment the department of natural resources shall
10 issue an order of withdrawal and file copies thereof with the department of
11 revenue, the supervisor of equalization, the clerk of the town and the regis-
12 ter of deeds of the county in which the land lies. The land shall then cease
13 to be forest croplands.

14 ••87b3711/1••SECTION 293m. 77.21 (1) of the statutes is amended to read:
15 77.21 (1) "Conveyance" includes deeds and other instruments for the pas-
16 sage of ownership interests in real estate, including contracts and assign-
17 ments of a vendee's interest therein and time-share easements as defined in s.
18 707.02 (25), but excluding easements, wills or, leases and other easements.

19 ••87-5338/1••SECTION 294. 77.51 (9) (a) of the statutes is amended to
20 read:

21 77.51 (9) (a) Isolated and sporadic sales of tangible personal property
22 or taxable services where the infrequency, in relation to the other
23 circumstances, including the sales price and the gross profit, support the
24 inference that the seller is not pursuing a vocation, occupation or business
25 or a partial vocation or occupation or part-time business as a vendor of per-
26 sonal property or taxable services. No sale of any tangible personal property
27 or taxable service may be deemed an occasional sale if at the time of such
28 sale the seller holds or is required to hold a seller's permit, except that

1 this provision ~~shall~~ does not apply to an organization required to hold a
2 seller's permit solely for the purpose of conducting bingo games and except as
3 provided in par. (am).

4 ••87-5338/1••SECTION 295. 77.51 (9) (am) of the statutes is created to
5 read:

6 77.51 (9) (am) The sale of personal property, other than inventory held
7 for sale, previously used by a seller to conduct its trade or business at a
8 location after that person has ceased actively operating in the regular course
9 of business as a seller of tangible personal property or taxable services at
10 that location if the seller delivers its seller's permit to the department for
11 cancellation within 10 days after the last sale at that location of that per-
12 sonal property other than inventory held for sale. This transaction is an
13 occasional sale, even though the seller holds a seller's permit for one or
14 more other locations.

15 ••87b2944/1••SECTION 295b. 77.51 (9) (c) of the statutes is repealed.

16 ••87b3351/1••SECTION 295br. 77.51 (13) (p) of the statutes is amended to
17 read:

18 77.51 (13) (p) A telephone company which provides to an interexchange
19 carrier services which permit the origination or termination of telephone
20 messages between a customer in this state and one or more points in another
21 ~~telephone-exchange~~ local access and transport area, as defined in s. 76.38 (1)
22 (bd).

23 ••87b2945/1••SECTION 295cg. 77.51 (13g) (intro.) of the statutes is
24 amended to read:

25 77.51 (13g) (intro.) "~~Retailer~~ Except as provided in sub. (13h),
26 "retailer engaged in business in this state", unless otherwise limited by
27 federal statute, for purposes of the use tax, means any of the following:

1 ••87-5594/3 •• 87b2945/1••SECTION 295cj. 77.51 (13h) of the statutes is
2 created to read:

3 77.51 (13h) "Retailer engaged in business in this state", notwithstanding
4 sub. (13g), does not include a foreign corporation that is the publisher of
5 printed materials the only activities of which in this state do not exceed the
6 storage of its raw materials for any length of time in this state in or on
7 property owned by a person other than the foreign corporation and the delivery
8 of its raw materials to another person in this state if that storage and
9 delivery are for printing by that other person, and the purchase from a
10 printer of a printing service or of printed materials in this state for the
11 publisher and the storage of the printed materials for any length of time in
12 this state in or on property owned by a person other than the publisher. In
13 this subsection, "printed materials" means books, newspapers, periodicals
14 regularly issued at average intervals not exceeding 3 months, catalogues,
15 newspaper inserts, magazine inserts and shoppers guides, as defined in s.
16 77.54 (15). In this subsection "raw materials" means tangible personal prop-
17 erty which becomes an ingredient or component part of the printed materials or
18 which is consumed or destroyed or loses its identity in the printing of the
19 printed materials.

20 ••87b3351/1••SECTION 295cm. 77.51 (14) (m) of the statutes is amended to
21 read:

22 77.51 (14) (m) Transfers of services to an interexchange carrier which
23 permit the origination or termination of telephone messages between a customer
24 in this state and one or more points in another ~~telephone-exchange~~ local
25 access and transport area, as defined in s. 76.38 (1) (bd).

26 ••87b3711/1••SECTION 295ct. 77.52 (2) (a) 2 of the statutes is amended to
27 read:

1 77.52 (2) (a) 2. The sale of admissions to amusement, athletic, enter-
2 tainment or recreational events or places, the sale, rental or use of regular
3 bingo cards, extra regular cards, special bingo cards and the sale of bingo
4 supplies to players and the furnishing, for dues, fees or other
5 considerations, the privilege of access to clubs or the privilege of having
6 access to or the use of amusement, entertainment, athletic or recreational
7 devices or facilities, including, in connection with the sale or use of time-
8 share property, as defined in s. 707.02 (32), the sale or furnishing of use of
9 recreational facilities on a periodic basis or other recreational rights,
10 including but not limited to membership rights, vacation services and club
11 memberships.

12 ••87b2944/1••SECTION 295p. 77.52 (7) of the statutes is amended to read:

13 77.52 (7) Every person desiring to operate as a seller within this state
14 shall file with the department an application for a permit for each place of
15 operations. Every application for a permit shall be made upon a form pre-
16 scribed by the department and shall set forth the name under which the appli-
17 cant intends to operate, the location of his place of operations, and such
18 other information as the department requires. The application shall be signed
19 by the owner if a sole proprietor; in the case of sellers other than sole
20 proprietors, the application shall be signed by the person authorized to act
21 on behalf of such sellers. A nonprofit organization that has gross receipts
22 taxable under s. 77.54 (7m) shall obtain a seller's permit and pay taxes under
23 this subchapter on all taxable gross receipts received after it is required to
24 obtain that permit. If that organization becomes eligible later for the
25 exemption under s. 77.54 (7m) except for its possession of a seller's permit,
26 it may surrender that permit.

27 ••87b2454/4••SECTION 295pm. 77.53 (17r) of the statutes is created to
28 read:

1 77.53 (17r) This section does not apply to an aircraft if all of the
2 following requirements are fulfilled:

3 (a) It is purchased in another state.

4 (b) Its owner or lessee has paid all of the sales and use taxes imposed
5 in respect to it by the state where it was purchased.

6 (c) If the owner or lessee is a corporation, that corporation, and all
7 corporations with which that corporation may file a consolidated return for
8 federal income tax purposes, neither is organized under the laws of this state
9 nor has real property or other tangible personal property; except aircraft and
10 such property as hangars, accessories, attachments, fuel and parts required
11 for operation of aircraft; in this state at the time the aircraft is regis-
12 tered in this state.

13 (d) If the owner or lessee is a partnership, all of the corporate part-
14 ners fulfill the requirements under par. (c) and none of the general partners
15 and none of the limited partners who has management or control responsibili-
16 ties is domiciled in this state and the partnership has no other tangible
17 personal property and no real property; except aircraft and such property as
18 hangars, accessories, attachments, fuel and parts required for operation of
19 aircraft; in this state at the time the aircraft is registered in this state.

20 (e) If the owner or lessee is an individual, the owner or lessee is not
21 domiciled in this state.

22 (f) If the owner or lessee is an estate, trust or cooperative; that
23 estate, that trust and its grantor or that cooperative does not have real
24 property or other tangible personal property; except aircraft and such prop-
25 erty as hangars, accessories, attachments, fuel and parts required for oper-
26 ation of aircraft; in this state at the time the aircraft is registered in
27 this state.

1 (g) The department has not determined that the owner, if the owner is a
2 corporation, trust or partnership, was formed to qualify for the exception
3 under this subsection.

4 ••87b3745/1••SECTION 295rh. 77.54 (7m) of the statutes is created to
5 read:

6 77.54 (7m) Occasional sales of tangible personal property or services,
7 including but not limited to admissions or tickets to an event; by a neigh-
8 borhood association, church, civic group, garden club, social club or similar
9 nonprofit organization; not involving professional entertainment, conducted by
10 the organization if the organization is not engaged in a trade or business and
11 is not required to have a seller's permit. For purposes of this subsection,
12 an organization is engaged in a trade or business if its sales of tangible
13 personal property or services, not including sales of tickets to events, or if
14 its events occur on more than 20 days during the year, unless its receipts do
15 not exceed \$15,000 during the year.

16 ••87-4950/2••SECTION 296. 77.54 (20) (b) 4 of the statutes is amended to
17 read:

18 77.54 (20) (b) 4. Soda water beverages as defined in s. ~~97.34-(8)~~ 97.29
19 (1) (i), bases, concentrates and powders intended to be reconstituted by con-
20 sumers to produce soft drinks, and fruit drinks and ades not defined as fruit
21 juices in s. 97.02 (27), 1967 stats.

22 ••87-5327/2••SECTION 297. 77.54 (26) of the statutes is amended to read:

23 77.54 (26) The gross receipts from the sales of and the storage, use, or
24 other consumption of tangible personal property which becomes a component part
25 of an industrial waste treatment facility that is exempt under s. 70.11 (21)
26 (a) or that would be exempt under s. 70.11 (21) (a) if the property were tax-
27 able under ch. 70, or tangible personal property which becomes a component
28 part of a waste treatment facility of this state or any agency thereof, or any

1 political subdivision of the state or agency thereof as provided in s. 40.02
2 (28). The exemption includes replacement parts therefor, and also applies to
3 chemicals and supplies used or consumed in operating a waste treatment facil-
4 ity and to purchases of tangible personal property made by construction con-
5 tractors who transfer such property to their customers in fulfillment of a
6 real property construction activity. This exemption does not apply to tan-
7 gible personal property installed in fulfillment of a written construction
8 contract entered into, or a formal written bid made, prior to July 31, 1975.

9 ••87b3347/1••SECTION 297g. 77.54 (28) of the statutes is amended to read:
10 77.54 (28) The gross receipts from the sale of and the storage, use or
11 other consumption to or by the ultimate consumer of apparatus or equipment for
12 the injection of insulin or the treatment of diabetes and supplies used to
13 determine blood sugar level.

14 ••87b3604/1••SECTION 297mb. 77.54 (39) of the statutes is created to
15 read:

16 77.54 (39) The gross receipts from the sale of and the storage, use or
17 other consumption of off-highway, heavy mechanical equipment such as Feller
18 bunchers, slashers, delimbers, chippers, hydraulic loaders, loaders,
19 skidder-forwarders, skidders, timber wagons and tractors used exclusively and
20 directly in the harvesting or processing of raw timber products in the field
21 by a person in the logging business. In this subsection, "heavy mechanical
22 equipment" does not include hand tools such as axes, chains, chain saws and
23 wedges.

24 ••87-5357/1••SECTION 298. 77.60 (9) of the statutes is amended to read:

25 77.60 (9) Any officer or employe of any corporation subject to this sub-
26 chapter or other person who has responsibility for making payment of the
27 amount of tax ~~herein~~ imposed under this subchapter and who wilfully fails to
28 make such payment to the department, shall be personally liable for such

1 amounts, including interest and penalties thereon, ~~in the event that after~~
2 ~~proper proceedings for the collection of such amounts, as provided in this~~
3 ~~subchapter, such if that~~ corporation is unable to pay such amounts to the
4 department, and the personal liability of such officer, employee or other
5 responsible person as provided herein shall survive the dissolution of the
6 corporation. Such personal liability may be assessed by the department
7 against such officer, employee or other responsible person pursuant to this
8 subchapter for the making of sales tax determinations against retailers and
9 shall be subject to the provisions for review of sales tax determinations
10 against retailers, but the time for making such determinations shall not be
11 limited by s. 77.59 (3) or by any other statute.

12 ••87b2838/2••SECTION 298g. 78.01 (2) (e) of the statutes is amended to
13 read:

14 78.01 (2) (e) ~~Regular-leaded gasoline~~ Motor fuel sold for nonhighway use
15 in mobile machinery and equipment and delivered directly into the consumer's
16 storage tank in an amount of not less than ~~200~~ 100 gallons if the supplier
17 obtains from the consumer an annual exemption certificate prescribed by the
18 department.

19 ••87b2838/2••SECTION 298r. 78.12 (3m) of the statutes is amended to read:

20 78.12 (3m) EXEMPTION REPORTS. Any person who purchases ~~regular-leaded~~
21 ~~gasoline motor fuel~~ tax-free under s. 78.01 (2) (c) shall file an annual
22 report not later than April 15 of the year following the reporting period.
23 That report shall be prescribed by the department and shall set forth the
24 number of gallons purchased, the supplier, the use and any other information
25 that the department reasonably requires for the administration and enforcement
26 of this subchapter. The department may not renew the exemption certificate of
27 any person who fails to file the report under this subsection.

28 ••87-5349/1••SECTION 299. 78.13 (2) of the statutes is amended to read:

1 78.13 (2) FINAL REPORTS. Every wholesaler shall, upon the discontinuance,
2 sale or transfer of the business or upon the cancellation or revocation of a
3 license ~~except for a cancellation or revocation under s. 78.68~~, make a report
4 as required under s. 78.12 and pay all motor fuel taxes and penalties due the
5 state. Such payment shall be to the public depository if one has been desig-
6 nated pursuant to s. 78.84, but otherwise to the department.

7 ••87-5349/1••SECTION 300. 78.50 (2) of the statutes is amended to read:

8 78.50 (2) FINAL REPORT. Every special fuel licensee shall, upon such
9 cessation, sale or transfer of the business or upon the cancellation or revo-
10 cation of a license, ~~except for a cancellation or revocation under s. 78.68~~,
11 make a report as required in s. 78.49 and pay all special fuel taxes and pen-
12 alties due the state. Such payment shall be to the public depository if one
13 has been designated pursuant to s. 78.84, but otherwise to the department.

14 ••87-5349/1••SECTION 301. 78.59 (2) of the statutes is amended to read:

15 78.59 (2) FINAL REPORT. Every general aviation fuel licensee shall, upon
16 such cessation, sale or transfer of the business or upon the cancellation or
17 revocation of a license ~~except for a cancellation or revocation under s.~~
18 ~~78.68~~, make a report as required in s. 78.58 and pay all general aviation fuel
19 taxes and penalties due the state. Such payment shall be to the public
20 depository if one has been designated under s. 78.84, but otherwise to the
21 department.

22 ••87-5349/1••SECTION 302. 78.65 (2) of the statutes is repealed.

23 ••87-5349/1••SECTION 303. 78.68 of the statutes is repealed and recreated
24 to read:

25 78.68 RETURNS; FAILURE TO PAY; REFUNDS. (1) Unpaid taxes shall bear
26 interest at the rate of 12% per year from the due date of the return until
27 paid or deposited with the department, and all refunded taxes bear interest at

1 the rate of 9% per year from the due date of the return to the date on which
2 the refund is certified on the refund rolls.

3 (1m) All payments of additional amounts owed shall be applied in the
4 following order: penalties, interest, tax principal.

5 (2) Delinquent tax returns are subject to a \$10 late filing fee. Delin-
6 quent motor fuel, special fuel and general aviation fuel taxes bear interest
7 at the rate of 1.5% per month until paid. The taxes imposed by this chapter
8 are delinquent if not paid:

9 (a) In the case of a timely filed return, no return or a late return, on
10 or before the due date of the return; or

11 (b) In the case of a deficiency determination of taxes, within 2 months
12 after the date of demand.

13 (3) If due to neglect an incorrect return is filed, the entire tax
14 finally determined is subject to a penalty of 25% of the tax exclusive of
15 interest or other penalty. A person filing an incorrect return has the burden
16 of proving that the error or errors were due to good cause and not due to
17 neglect.

18 (4) In case of failure to file any return required under ss. 78.12, 78.49
19 and 78.58 by the due date, unless it is shown that that failure was due to
20 reasonable cause and not due to neglect, there shall be added to the amount
21 required to be shown as tax on that return 5% of the amount of the tax if the
22 failure is for not more than one month, and an additional 5% of the tax for
23 each additional month or fraction thereof during which the failure continues,
24 not exceeding 25% of the tax in the aggregate. For purposes of this
25 subsection, the amount of tax required to be shown on the return shall be
26 reduced by the amount of any part of the tax which is paid on or before the
27 due date prescribed for payment of the tax and by the amount of any credit
28 against the tax which may be claimed upon the return.

1 (5) If a person fails to file a return when due or files a false or
2 fraudulent return with intent in either case to defeat or evade the taxes
3 imposed by this chapter, a penalty of 50% of the tax shall be added to the tax
4 required to be paid, exclusive of interest and other penalties.

5 (6) Any person who fails to furnish any return required to be made or who
6 fails to furnish any data required by the department may be fined not more
7 than \$500 or imprisoned for not more than 30 days or both.

8 (7) Any person, including an officer of a corporation, who is required to
9 make, render, sign or verify any report or return required by this chapter and
10 who makes a false or fraudulent report or return or who fails to furnish a
11 report or return when due with the intent, in either case, to defeat or evade
12 the tax imposed by this subchapter may be fined not more than \$500 or impris-
13 oned for not more than 30 days or both.

14 (8) No person may aid, abet or assist another in making any false or
15 fraudulent return or false statement in any return required by this chapter
16 with intent to defraud the state or evade payment of the tax, or any part
17 thereof, imposed by this chapter. Any person who violates this subsection may
18 be fined not more than \$500 or imprisoned for not more than 30 days or both.

19 (9) Before any tax becomes due, if the department has reason to believe
20 that any licensee intends or is likely to evade or attempt to evade payment of
21 the tax when due, or intends or is likely to convey, dispose of, or conceal
22 his or her property or abscond from the state, or do any other act which would
23 render the state insecure in collecting the tax when due, the department may
24 demand payment forthwith of all taxes upon all motor fuel received, as defined
25 in s. 78.07, general aviation fuel placed in the fuel supply tank of an air-
26 craft or in bulk storage facilities or special fuel used, as defined in s.
27 78.44, by the licensee, which shall immediately become payable and collectible

1 as if delinquent, and the property of the licensee shall be subject to
2 attachment as provided in s. 78.70.

3 ••87-5365/2••SECTION 304. 79.03 (4) of the statutes, as affected by 1987
4 Wisconsin Act 27, is amended to read:

5 79.03 (4) ~~In 1987, the total amount to be distributed under this sub-~~
6 ~~chapter from the appropriation under s. 20.835 (1) (d) is \$779,360,000. In~~
7 1988 ~~and thereafter~~, the total amount to be distributed under this subchapter
8 from the appropriation under s. 20.835 (1) (d) is \$791,360,000. In 1989 and
9 thereafter, the total amount to be distributed under this subchapter from s.
10 20.835 (1) (d) is \$807,360,000.

11 ••87-5342/1••SECTION 305. 79.185 of the statutes is repealed.

12
13 ••87b3021/1••SECTION 305d. 84.013 (6r) of the statutes is created to
14 read:

15 84.013 (6r) Notwithstanding sub. (1) (a), if a highway improvement
16 project has a cost of more than \$2,000,000, a member of either house of the
17 legislature in whose legislative district the project is wholly or partially
18 located may petition the transportation projects commission to designate the
19 project as a major highway project. The department may not construct a high-
20 way improvement project designated as a major highway project by the trans-
21 portation projects commission under this subsection without specific autho-
22 rization under sub. (3).

23 ••87b2644/1••SECTION 305g. 84.06 (2) of the statutes is amended to read:

24 84.06 (2) BIDS, CONTRACTS. All such highway improvements shall be exe-
25 cuted by contract based on bids unless the department finds that another
26 method as provided in sub. (3) or (4) would be more feasible and advantageous.
27 Bids shall be advertised for in the manner determined by the department.
28 Except as provided in s. 84.075 the contract shall be awarded to the lowest

1 competent and responsible bidder as determined by the department. If the bid
2 of the lowest competent bidder is determined by the department to be in excess
3 of the estimated reasonable value of the work or not in the public interest,
4 all bids may be rejected. The department shall, so far as reasonable, follow
5 uniform methods of advertising for bids and may prescribe and require uniform
6 forms of bids and contracts. The secretary shall enter into the contract on
7 behalf of the state. Every such contract is exempted from ss. 16.70 to 16.75,
8 16.755 to 16.82, 16.87 and 16.89, but ss. 16.528 and 16.754 apply to the
9 contract. Any such contract involving an expenditure of \$1,000 or more shall
10 not be valid until approved by the governor. The secretary may require the
11 attorney general to examine any contract and any bond submitted in connection
12 with the contract and report on its sufficiency of form and execution. The
13 bond required by s. 779.14 ~~(1)~~ (1m) (b) for any such contract involving an
14 expenditure of less than \$1,000 is exempt from approval by the governor and
15 shall be subject to approval by the secretary. This subsection also applies
16 to contracts with private contractors based on bids for maintenance under s.
17 84.07.

18 ••87b3742/2••SECTION 305rg. 84.076 of the statutes is created to read:

19 84.076 DISADVANTAGED BUSINESS DEMONSTRATION AND TRAINING PROGRAM. (1)

20 DEFINITIONS. In this section:

21 (a) "Disadvantaged individual" means a minority group member, a woman or
22 any other individual found to be socially and economically disadvantaged by
23 the department as provided in 49 CFR 23.62, unless successfully challenged as
24 provided in 49 CFR 23.69.

25 (b) "Disadvantaged business" means a sole proprietorship, partnership,
26 joint venture or corporation that fulfills all of the following requirements,
27 as certified by the department:

1 1. It is at least 51% owned by one or more disadvantaged individuals who
2 are U.S. citizens or persons lawfully admitted to the United States for
3 permanent residence, as defined under 8 USC 1101 (a) (20).

4 2. Its management and daily business operations are controlled by one or
5 more of the disadvantaged individuals who own it.

6 3. It is currently performing a useful business function as defined in s.
7 560.036 (1) (h).

8 (c) "Minority business" has the meaning given under s. 560.036 (1) (e) 1.

9 (d) "Minority group member" has the meaning given under s. 560.036 (1)
10 (f).

11 (2) ADMINISTRATION. (a) The secretary shall administer a demonstration
12 and training program for the purpose of developing the capability of dis-
13 advantaged businesses to participate in construction projects funded under s.
14 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq), (dv), (dx), (fq), (fv),
15 (fx), (hq), (hv) and (hx). Beginning in fiscal year 1988-89, from the amounts
16 appropriated under s. 20.395 (3) (bq), (bv), (bx), (cq), (cv), (cx), (dq),
17 (dv), (dx), (fq), (fv), (fx), (hq), (hv) and (hx), the secretary shall allo-
18 cate \$4,000,000 each fiscal year for the awarding of contracts under this
19 section. The secretary shall attempt to ensure that 75% of the amount so
20 allocated each fiscal year is for the awarding of contracts under this section
21 to minority businesses. The secretary may award 100% of the amount so allo-
22 cated each fiscal year to one disadvantaged business.

23 (b) The secretary shall establish requirements for programs of
24 preapprenticeship training and management and technical assistance designed to
25 develop the expertise of disadvantaged individuals and disadvantaged busi-
26 nesses in transportation construction.

27 (3) BIDS, CONTRACTS. Section 84.06 (2) applies to bids and contracts
28 under this section, except that the secretary shall reject low bids that do

1 not satisfy the requirements under sub. (4). The secretary shall establish a
2 list of disadvantaged businesses that are eligible to submit bids for con-
3 tracts awarded under this section and subcontractors who meet the requirements
4 under sub. (4) (b). Each bid submitted under this section shall include the
5 agreement specified under sub. (4) and all of the following conditions:

6 (a) A goal that at least 25% of the total number of workers in all con-
7 struction trades employed on the project will be disadvantaged individuals.

8 (b) A subcontracting plan that provides sufficient detail to enable the
9 secretary to determine that the prime contractor has made or will make a good
10 faith effort to award at least 20% of the total contract amount to bona fide
11 independent disadvantaged business subcontractors.

12 (4) CONTRACTOR RESPONSIBILITIES. Each contractor shall agree to do one
13 of the following in its bid submitted under sub. (3):

14 (a) 1. Assure that the contractor has, in cooperation with local trade
15 unions, developed a program of preapprenticeship training that satisfies the
16 requirements established by the secretary under sub. (2) (b) and has experi-
17 ence in providing the training to disadvantaged individuals; and

18 2. Assure that the contractor has developed and has experience in pro-
19 viding a program of management and technical assistance to disadvantaged
20 business subcontractors. The management and technical assistance program
21 shall satisfy the requirements established by the secretary under sub. (2) (b)
22 and shall include all of the following:

23 a. On-site administrative support.

24 b. Assistance with managing scheduling, finances and property.

25 c. The provision of other management services necessary to assist dis-
26 advantaged businesses in developing construction capabilities and opportuni-
27 ties for participation in construction projects.

1 (b) Obtain from a subcontractor that has experience in providing training
2 to disadvantaged individuals, in cooperation with local trade unions, a pro-
3 gram of preapprenticeship training that satisfies the requirements established
4 by the secretary under sub. (2) (b), and assure that the subcontractor has
5 experience in providing a program of management and technical assistance to
6 disadvantaged business contractors, and that the subcontractor's management
7 and technical assistance program satisfies the requirements established by the
8 secretary under sub. (2) (b) and includes all of the requirements of par. (a)

9 2. A subcontractor under this paragraph need not be a disadvantaged business,
10 but if the subcontractor is not a disadvantaged business, it may not be
11 included within the goal established under sub. (3) (b).

12 ••87b3742/2••SECTION 305rh. 84.076 of the statutes is repealed.

13 ••87b3432/1••SECTION 305t. 84.09 (1) of the statutes is amended to read:

14 84.09 (1) The department may acquire by gift, devise, purchase or con-
15 demnation any lands for establishing, laying out, widening, enlarging,
16 extending, constructing, reconstructing, improving and maintaining highways
17 and other transportation related facilities, or interests in lands in and
18 about and along and leading to any or all of the same; and after
19 establishment, layout and completion of such improvements, the department may
20 convey such lands thus acquired and not necessary for such improvements, with
21 reservations concerning the future use and occupation of such lands so as to
22 protect such public works and improvements and their environs and to preserve
23 the view, appearance, light, air and usefulness of such public works. When-
24 ever the department deems it necessary to acquire any such lands or interests
25 therein for any transportation related purpose, it shall so order and in such
26 order or on a map or plat show the old and new locations and the lands and
27 interests required, and shall file a copy of the order and map with the county
28 clerk and county highway committee of each county in which such lands or

1 interests are required. For the purposes of this section the department may
2 acquire private or public lands or interests in such lands. When so provided
3 in the department's order, such land shall be acquired in fee simple. Unless
4 it elects to proceed under sub. (3), the department shall endeavor to obtain
5 easements or title in fee simple by conveyance of the lands or interests
6 required at a price, including any damages, deemed reasonable by the
7 department. The instrument of conveyance shall name the state as grantee and
8 shall be recorded in the office of the register of deeds. The purchase or
9 acquisition of lands or interests therein under this section is excepted and
10 exempt from s. 20.914 (1). The department may purchase or accept donations of
11 remnants of tracts or parcels of land existing at the time or after it has
12 acquired portions of such tracts or parcels by purchase or condemnation for
13 transportation purposes where in the judgment of the department such action
14 would assist in making whole the landowner, a part of whose lands have been
15 taken for transportation purposes and would serve to minimize the overall
16 costs of such taking by the public. With respect to the acquisition of lands
17 associated with the major highway project enumerated under s. 84.013 (3) (wg),
18 if the department acquires or seeks to acquire more than 10% of the land
19 associated with a residential property or an interest in more than 10% of that
20 land, the department shall make the owner of the property an offer to purchase
21 the entire property at the prevailing rate for sale of residential property of
22 comparable quality in the same vicinity.

23 ••87b3429/1••SECTION 305w. 84.103 (1) (d) of the statutes, as affected by
24 1987 Wisconsin Act 117, is amended to read:

25 84.103 (1) (d) STH 29, commencing at Green Bay and proceeding westerly to
26 the ~~junction with I 94 in Dunn county~~ state line at Prescott.

27 ••87b3429/1••SECTION 305x. 84.103 (1) (e) to (g) of the statutes are
28 created to read:

1 84.103 (1) (e) I 94 commencing at the junction in par. (b) and proceeding
2 northwesterly to Hudson.

3 (f) I 90 commencing at Madison and proceeding southerly to Beloit.

4 (g) I 94 commencing at Milwaukee and proceeding southerly to the state
5 line.

6 ••87-5322/1••SECTION 306. 85.095 (1) (am) of the statutes, as created by
7 1987 Wisconsin Act 27, is amended to read:

8 85.095 (1) (am) "Ferry service assistance" means financial assistance for
9 the purpose of reimbursing an eligible applicant for not more than 50% 75% of
10 moneys expended to acquire a vessel for ferry service on any river within or
11 forming a boundary of the state.

12 ••87b2297/3••SECTION 306n. 85.20 (1) (g) of the statutes is amended to
13 read:

14 85.20 (1) (g) "Operating expenses" mean costs accruing to an urban mass
15 transit system by virtue of its operations, including costs to subsidize fares
16 paid by handicapped persons for transportation within the urban area of the
17 eligible applicant. For a publicly owned system, operating expenses do not
18 include profit, return on investment or depreciation as costs. ~~For a pri-~~
19 ~~vately owned system, operating expenses may include profit, return on invest-~~
20 ~~ment or depreciation as costs if the~~ If a local public body contracts for the
21 services provided by the of a privately owned system on the basis of competi-
22 tive bids, operating expenses may include as costs depreciation on the
23 facilities and equipment that the privately owned system acquired without
24 benefit of public financial assistance, profit and return on investment. If a
25 local public body contracts for the services of a privately owned system on
26 the basis of negotiated procurement, operating expenses may include as costs
27 depreciation on the facilities and equipment that the privately owned system
28 acquired without benefit of public financial assistance. In an urban area

1 which is served exclusively by shared-ride taxicab systems, operating expenses
2 may include costs to subsidize reasonable fares paid by all users for trans-
3 portation within the urban area of the eligible applicant.

4 ••87b3437/1••SECTION 306nm. 85.20 (1) (k) of the statutes is amended to
5 read:

6 85.20 (1) (k) "Urban area" means any area that includes a city or village
7 having a population of ~~5,000~~ 2,500 or more that is appropriate, in the judg-
8 ment of the department, for an urban mass transit system or any area served by
9 a mass transit system that is operated by a transit commission.

10 ••87b2297/3••SECTION 306o. 85.20 (3) (c) of the statutes is amended to
11 read:

12 85.20 (3) (c) ~~To Except as provided in par. (cm), to~~ audit the operating
13 revenues and expenses of all urban mass transit systems participating in the
14 program in accordance with generally accepted accounting principles and
15 practices. ~~The Except as provided in par. (cm), the~~ audits shall be the basis
16 for computing the maximum share of state and federal aids each eligible
17 applicant can apply against operating deficits for each state aid contract
18 period.

19 ••87b2297/3••SECTION 306p. 85.20 (3) (cm) of the statutes is created to
20 read:

21 85.20 (3) (cm) To audit the performance, as shown by service provided, of
22 a privately owned system with which a local public body contracts for services
23 on the basis of competitive bids. The audit shall be the basis for computing
24 the maximum share of state and federal aids that an eligible applicant that
25 contracts with a privately owned system on the basis of competitive bids may
26 apply against operating deficits for each state aid contract period.

27 ••87b2501/1••SECTION 306q. 85.20 (4m) (a) of the statutes, as affected by
28 1987 Wisconsin Act 27, is amended to read:

1 85.20 (4m) (a) From the amounts appropriated under s. 20.395 (1) (bq), an
2 amount equal to ~~37.5%~~ 39% of the projected operating expenses of each eligible
3 applicant's urban mass transit system shall be allocated to each eligible
4 applicant.

5 ••87b2501/1••SECTION 306s. 85.20 (4m) (em) 1 of the statutes is amended
6 to read:

7 85.20 (4m) (em) 1. ~~Thirty-seven and one-half~~ Thirty-nine percent of the
8 audited operating expenses for the project year of the applicant's urban mass
9 transit system; or

10 ••87b2297/3••SECTION 306t. 85.20 (4m) (er) of the statutes is amended to
11 read:

12 85.20 (4m) (er) Eligible applicants shall repay the department any over-
13 payments in state aids under this section which are made because of differ-
14 ences between projected financial data and audited financial data or because
15 of differences between projected financial data and contract compliance
16 audits.

17 ••87-4969/3••SECTION 307. 85.25 of the statutes is created to read:

18 85.25 DISADVANTAGED BUSINESS MOBILIZATION ASSISTANCE PROGRAM. (1) FIND-
19 INGS AND PURPOSE. The legislature finds that the lack of working capital is a
20 major barrier to the participation of certain businesses in construction con-
21 tracts with the department. This problem is most acute for newer, less
22 experienced businesses, and, in particular, for disadvantaged businesses, many
23 of which lack the assets necessary to obtain financing under normal business
24 lending standards. The disadvantaged business mobilization assistance program
25 is created to assist disadvantaged businesses in obtaining working capital in
26 order to participate in construction contracts with the department and to
27 increase the representation of disadvantaged businesses among contractors
28 performing on construction projects for the department.

1 (2) DEFINITIONS. In this section:

2 (a) "Business development organization" means the Wisconsin housing and
3 economic development authority under s. 234.02 or any private, nonprofit
4 organization which prepares business and loan plans for and provides other
5 financial, management and technical assistance to disadvantaged businesses.

6 (b) "Deficiency" means the unpaid principal amount of a defaulted
7 mobilization loan guaranteed under sub. (4). "Deficiency" does not include
8 any interest, any origination fees or other charges relating to the guaranteed
9 loan or any expenses incurred by the lender in enforcing the security interest
10 taken in the capital equipment or other asset resulting from the proceeds of
11 the guaranteed loan.

12 (c) "Disadvantaged business" means a sole proprietorship, partnership,
13 joint venture or corporation that fulfills all of the following requirements:

14 1. It is at least 51% owned, controlled and actively managed by a minor-
15 ity group member or members, as defined in s. 560.036 (1) (f), or a woman or
16 women, who are U.S. citizens or persons lawfully admitted to the United States
17 for permanent residence, as defined under 8 USC 1101 (a) (20).

18 2. It is currently performing a useful business function as defined in s.
19 560.036 (1) (h).

20 (d) "Guaranteed loan" means a mobilization loan which is guaranteed by a
21 business development organization under a grant under sub. (3).

22 (e) "Mobilization loan" means a short-term loan, as specified by the
23 department by rule, to a disadvantaged business to provide working capital in
24 order to finance the purchase of capital equipment, insurance or any other
25 service or consumable good necessary to enable the disadvantaged business to
26 participate in transportation-related construction contracts with the
27 department.

1 (f) "Participating lender" means a bank, credit union, savings and loan
2 association or other person who makes mobilization loans.

3 (3) ADMINISTRATION. The department shall administer the disadvantaged
4 business mobilization assistance program. Subject to sub. (4), the department
5 may make grants for the purpose specified in sub. (1) to a business develop-
6 ment organization in order to provide funding for the guarantee by the busi-
7 ness development organization of a mobilization loan made by a participating
8 lender to a disadvantaged business certified by the department.

9 (4) RULE MAKING. The department shall promulgate rules to implement the
10 disadvantaged business mobilization assistance program. The rules shall
11 specify all of the following:

12 (a) Conditions for eligibility of a business development organization for
13 a grant under sub. (3).

14 (b) Conditions for eligibility of a disadvantaged business for a guaran-
15 teed loan. The conditions may include requirements relating to certification
16 of a disadvantaged business by the department.

17 (c) Conditions for the guarantee of a mobilization loan by a business
18 development organization applying for a grant under sub. (3). The conditions
19 shall include requirements relating to the term of a mobilization loan. The
20 conditions may include a requirement for execution of a guarantee agreement
21 between the business development organization and the participating lender and
22 review of such an agreement by the department. The conditions may specify a
23 percentage of principal of any mobilization loan which must be guaranteed by a
24 business development organization applying for a grant under sub. (3). The
25 conditions may include requirements relating to the rate of a mobilization
26 loan. The conditions may include requirements relating to defaulted mobili-
27 zation loans and deficiencies.

1 (d) Conditions relating to the total principal amounts of all mobili-
2 zation loans which may be guaranteed by business development organizations at
3 one time, not to exceed \$1,500,000.

4 (e) Conditions under which a business development organization may not
5 guarantee additional mobilization loans. The conditions shall include a pro-
6 hibition on the guarantee of additional mobilization loans by a business
7 development organization if the amount of the grant to the business develop-
8 ment organization not yet expended under the disadvantaged business mobili-
9 zation assistance program is equal to or less than \$100,000.

10 (f) Conditions under which a grant made under sub. (3) to a business
11 development organization may be required to be repaid.

12 (5) MORAL OBLIGATION. Recognizing its moral obligation to do so, the
13 legislature expresses its expectation and aspiration that, if ever called upon
14 to do so, it shall make an appropriation from the transportation fund to meet
15 all demands for funds relating to defaulted mobilization loans and defi-
16 ciencies under this section.

17 ••87-5516/3 •• 87b3584/1••SECTION 307g. 91.01 (1) of the statutes is
18 amended to read:

19 91.01 (1) "Agricultural use" means beekeeping; commercial feedlots;
20 dairying; egg production; floriculture; fish or fur farming; forest and game
21 management; grazing; livestock raising; orchards; plant greenhouses and
22 nurseries; poultry raising; raising of grain, grass, mint and seed crops;
23 raising of fruits, nuts and berries; sod farming; placing land in federal
24 programs in return for payments in kind; owning land, at least 35 acres of
25 which is enrolled in the conservation reserve program under 16 USC 3831 to
26 3836; participating in the milk production termination program under 7 USC
27 1446 (d); and vegetable raising.

1 ••87-5516/3 •• 87b3584/1••SECTION 307h. 91.01 (6) of the statutes is
2 amended to read:

3 91.01 (6) "Eligible farmland" means a parcel of 35 or more acres of con-
4 tiguous land which is devoted primarily to agricultural use which during the
5 year preceding application for a farmland preservation agreement produced
6 gross farm profits, as defined in s. 71.09 (11) (a) 3m, of not less than
7 \$6,000 or which, during the 3 years preceding application produced gross farm
8 profits, as defined in s. 71.09 (11) (a) 3m, of not less than \$18,000, or a
9 parcel of 35 or more acres of which at least 35 acres, during part or all of
10 the year preceding application, were enrolled in the conservation reserve
11 program under 16 USC 3831 to 3836.

12 ••87b3003/1••SECTION 307m. 91.11 (3m) of the statutes is created to read:
13 91.11 (3m) Notwithstanding sub. (3), in any county with a population
14 density of 100 or more persons per square mile, an owner may apply for a
15 farmland preservation agreement under this subchapter from July 1, 1988, to
16 June 30, 1991. Any owner who signed an agreement which was applied for under
17 this subsection is eligible to apply for another agreement prior to the
18 expiration of that agreement.

19 ••87-5516/3 •• 87b3584/1••SECTION 307mb. 91.13 (10) of the statutes is
20 amended to read:

21 91.13 (10) Agreements under this subchapter shall be for not less than 10
22 years nor more than 25 years. An owner of eligible farmland which is subject
23 to an agreement with a term of less than 25 years may extend the term of the
24 agreement to 25 years with the approval of the department and of the local
25 governing body having jurisdiction in which the eligible farmland is located.

26 ••87-5516/3 •• 87b3584/1••SECTION 307mc. 91.17 (3) of the statutes is
27 created to read:

1 91.17 (3) A residence or structure located on a parcel of 5 acres or less
2 which is subject to an agreement and which, for purposes of farm consolidation
3 and in compliance with the ordinances of the city, village or town and county
4 in which it is located, is separated from other land subject to that agreement
5 is not subject to a lien under s. 91.19 when that agreement expires if the
6 residence or structure existed prior to the effective date of that agreement.

7 ••87-5516/3 •• 87b3584/1••SECTION 307md. 91.19 (10) of the statutes is
8 amended to read:

9 91.19 (10) The lien may be paid and discharged at any time and shall
10 become payable to the state by the owner of record at the time the land or any
11 portion of it is sold by the owner of record to any person except the owner's
12 child or if the land is converted to a use prohibited by the former farmland
13 preservation agreement. Upon reentry in an agreement under this subchapter or
14 upon zoning for exclusively agricultural use under an ordinance certified
15 under subch. V, the portion of the lien on the land reentered or so zoned
16 shall be discharged. The discharge of a lien does not affect the calculation
17 of any subsequent lien under sub. (7) or (8). The proceeds from the payment
18 shall be paid into the general fund.

19 ••87-5516/3 •• 87b3584/1••SECTION 307me. 91.37 (4) of the statutes is
20 amended to read:

21 91.37 (4) If at the end of an agreement under this subchapter, the farm-
22 land is not eligible for an agreement under subch. II because s. 91.11 (2),
23 (3) or (4) is applicable, the lien shall apply, without interest, to the
24 credit received under s. 71.09 (11) for the last 2 years the land was eligible
25 for such credit. If, after the expiration of an agreement ~~but prior to Janu-~~
26 ~~ary 1, 1983,~~ the land or any portion of the land is zoned for exclusive agri-
27 cultural use under an ordinance certified under subch. V, all or any portion
28 of a lien filed under this subsection against such land shall be discharged.

1 The discharge of a lien under this subsection does not affect the calculation
2 of any subsequent lien under s. 91.77 (2).

3 ••87b3584/1••SECTION 307meg. 91.37 (4) of the statutes, as affected by
4 1987 Wisconsin Act (Senate Bill 538), is amended to read:

5 91.37 (4) If at the end of an agreement under this subchapter, the farm-
6 land is not eligible for an agreement under subch. II because s. 91.11 (2),
7 (3) or (4) is applicable, the lien shall apply, without interest, to the
8 credit received under subch. IX of ch. 71 for the last 2 years the land was
9 eligible for such credit. If, after the expiration of an agreement ~~but prior~~
10 ~~to January 1, 1983,~~ the land or any portion of the land is zoned for exclusive
11 agricultural use under an ordinance certified under subch. V, all or any por-
12 tion of a lien filed under this subsection against such land shall be
13 discharged. The discharge of a lien under this subsection does not affect the
14 calculation of any subsequent lien under s. 91.77 (2).

15 ••87b3003/1••SECTION 307mg. 91.73 (1) of the statutes is amended to read:

16 91.73 (1) Except as otherwise provided, exclusive agricultural zoning
17 ordinances shall be adopted and administered in accordance with ss. 59.97 to
18 59.99, 61.35 or 62.23 or subch. VIII of ch. 60. No such ordinance may be re-
19 scinded from the effective date of this subsection [revisor inserts
20 date], to June 30, 1991, in any county with a population density of 100 or
21 more persons per square mile.

22 ••87-5516/3 •• 87b3584/1••SECTION 307mm. 91.75 (6) of the statutes is
23 amended to read:

24 91.75 (6) For purposes of farm consolidation and if permitted by local
25 regulation, farm residences or structures which existed prior to the adoption
26 of the ordinance may be separated from a larger farm parcel. Farm residences
27 or structures with up to 5 acres of land which are separated from a larger

1 farm parcel under this section are not subject to the lien under s. 91.19 (8)
2 to (10), as required in s. 91.77 (2) or 91.79.

3 ••87b2883/1••SECTION 307p. 93.07 (22) (title) of the statutes is created
4 to read:

5 93.07 (22) (title) PLAT ADMINISTRATION.

6 ••87-5236/5••SECTION 308. 93.41 of the statutes, as created by 1987
7 Wisconsin Act 27, is repealed and recreated to read:

8 93.41 STRAY VOLTAGE. (1) The department shall participate in the stray
9 voltage program established under s. 196.857. The department shall assess
10 fees not to exceed \$100 per farm for the services provided to farmers under s.
11 196.857. Any fees collected under this subsection shall be credited to the
12 appropriation under s. 20.115 (8) (j).

13 (2) The department shall develop informational and educational materials
14 on stray voltage and provide those materials to the public in cooperation with
15 the university of Wisconsin system extension program and the board of
16 vocational, technical and adult education and shall study the need for any
17 other state action not in effect under this section or s. 196.857 necessary to
18 protect the public health and welfare from the harmful effects of stray
19 voltage.

20 (3) This section does not apply after August 31, 1991.

21 ••87b3032/1••SECTION 308m. 94.681 of the statutes is created to read:

22 94.681 WELL COMPENSATION FEE. (1) In this section:

23 (a) "Licensee" means a person required to obtain a license under s.
24 94.68.

25 (b) "Primary producer" means a licensee that manufactures an active
26 ingredient which is used to manufacture or produce a pesticide.

27 (2) No primary producer may manufacture, formulate, distribute, package,
28 label or otherwise produce pesticides for sale or distribution in this state

1 unless the primary producer pays an annual well compensation fee of \$150, or
2 the amount determined under s. 144.0295.

3 (3) The department shall collect the well compensation fee at the same
4 time the annual and supplemental license fees are collected under s. 94.68.
5 The moneys collected under this subsection shall be credited to the appropri-
6 ation under s. 20.370 (2) (eh).

7 ••87b2790/1••SECTION 308s. 95.27 (4) of the statutes is amended to read:
8 95.27 (4) Subject to sub. (5), the department shall indemnify from state
9 or federal funds the owner of breeding swine over 6 months of age that have
10 been condemned and destroyed under this section. The department shall pay to
11 the owner \$25 for each ~~registered animal~~ and ~~\$10 for each grade animal~~. State
12 payments shall be made from the appropriation under s. 20.115 (2) (b).

13 ••87-4950/2••SECTION 309. 97.20 of the statutes, as affected by 1987
14 Wisconsin Act 27, is repealed and recreated to read:

15 97.20 DAIRY PLANTS. (1) DEFINITIONS. In this section:

16 (a) "Dairy plant" means any place where a dairy product is manufactured
17 or processed for sale or distribution, and includes a receiving station or
18 transfer station.

19 (b) "Dairy product" means milk or any product or by-product of milk, or
20 any commodity in which milk or any milk product or by-product is a principal
21 ingredient.

22 (c) "Fluid milk product" has the meaning given under s. 97.24 (1) (ar).

23 (d) "Grade A dairy plant" means a dairy plant required to hold a permit
24 under sub. (3).

25 (e) "Grade A milk" has the meaning given under s. 97.24 (1) (b).

26 (f) "Grade A milk product" has the meaning given under s. 97.24 (1) (c).

27 (g) "Milk" has the meaning given under s. 97.22 (1) (e).

1 (h) "Processing plant" means a dairy plant engaged in pasteurizing,
2 processing or manufacturing milk or dairy products.

3 (i) "Receiving station" means a facility which is designed for the
4 receipt and bulk storage of milk, and which is used to receive or store milk
5 in bulk. "Receiving station" does not include a processing plant or a facil-
6 ity used to distribute pasteurized milk in bottled or packaged form to
7 consumers.

8 (j) "Transfer station" means a facility which is designed and used solely
9 to transfer milk from one bulk transport vehicle to another without inter-
10 vening storage.

11 (2) DAIRY PLANT LICENSE. (a) License requirement. Except as provided
12 in par. (e), no person, including this state, may operate a dairy plant with-
13 out a valid license issued by the department for that dairy plant. A dairy
14 plant license expires on April 30 annually and is not transferable between
15 persons or locations.

16 (b) License application. An application for a dairy plant license shall
17 be made on a form provided by the department and shall be accompanied by any
18 applicable fee required under par. (c) or (cm). The application shall include
19 all information reasonably required by the department for purposes of
20 licensing. The application shall state whether the dairy plant is a proc-
21 essing plant, receiving station or transfer station, and shall describe the
22 nature of any processing operations conducted at the dairy plant.

23 (c) Fees. 1. 'Dairy plant license fee.' An applicant for a dairy plant
24 license shall pay the license fee specified under par. (cm).

25 2. 'Dairy plant reinspection fees.' If the department reinspects a dairy
26 plant because the department has found a violation of this chapter or rules
27 promulgated under this chapter, the department shall charge the dairy plant
28 operator the reinspection fee specified under par. (cm). A reinspection fee

1 is payable when the reinspection is completed, and is due upon written demand
2 from the department. The department may issue a demand for payment when it
3 issues a license renewal application form to the dairy plant operator.

4 3. 'Producer fees.' A dairy plant operator shall pay milk producer
5 license, permit and reinspection fees on behalf of milk producers, as provided
6 under s. 97.22. A milk producer reinspection fee is payable by the dairy
7 plant operator when a dairy farm reinspection is completed, and is due upon
8 written demand from the department. The department may issue a demand for
9 payment when it issues a license renewal application to the dairy plant
10 operator.

11 4. 'Surcharge for operating without license.' An applicant for a dairy
12 plant license shall pay a license fee surcharge of \$500 if the department
13 determines that within one year prior to submitting the license application,
14 the applicant operated the dairy plant without a license in violation of this
15 subsection. Payment of this license fee surcharge does not relieve the
16 applicant of any other civil or criminal liability which results from the
17 unlicensed operation of the dairy plant, but does not constitute evidence of
18 any violation of law.

19 (cm) Fee amounts. The annual fees required under par. (c), beginning
20 with the license year which ends on April 30, 1989, are:

21 1. For a processing plant, an annual dairy plant license fee of \$275 and
22 a reinspection fee of \$115.

23 2. For a receiving station, an annual dairy plant license fee of \$180
24 and a reinspection fee of \$65.

25 3. For a transfer station, an annual dairy plant license fee of \$175 and
26 a reinspection fee of \$65.

1 (d) Issuance or renewal of license. The department may not issue or
2 renew a dairy plant license unless all of the following conditions are met
3 prior to licensing:

4 1. The license applicant pays all fees which are due and payable by the
5 applicant under par. (c), as set forth in a statement from the department.
6 The department shall refund a fee paid under protest if the department deter-
7 mines that the fee was not due and payable as a condition of licensing under
8 this subsection.

9 2. The license applicant is in compliance with s. 100.06. If an appli-
10 cant is not in compliance with s. 100.06, the department may issue a condi-
11 tional dairy plant license under s. 93.06 (8) which prohibits the licensed
12 operator from purchasing milk or fluid milk products from milk producers or
13 their agents, but allows the operator to purchase milk or fluid milk products
14 from other sources.

15 3. If the dairy plant is a new dairy plant, the department has inspected
16 the dairy plant for compliance with this chapter and rules promulgated under
17 this chapter.

18 (e) License exemptions. A dairy plant license under this section is not
19 required for:

20 1. A farm manufacturing or processing dairy products solely for consump-
21 tion by the owner or operator of the farm, or members of the household or
22 nonpaying guests or employees.

23 2. The retail preparation and processing of meals for sale directly to
24 consumers or through vending machines, if the preparation and processing is
25 covered under a restaurant permit or other permit issued under s. 50.51.

26 (f) Added operations. No dairy plant may add a new category of dairy
27 plant operations during the time period for which a dairy plant license was
28 issued unless the dairy plant first notifies the department and obtains writ-